

**IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO**

FILED
DISTRICT COURT
NEW MEXICO

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**STATE OF NEW MEXICO, *ex rel.*
State Engineer**

Plaintiff,

v.

Ramon Aragon, *et al.*,

Defendants.

69cv07941 JEC-ACE

**RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias, Rio Cebolla
& Canjilon Creek**

Subfile No. CHCJ-003-0016

**MOTION TO VACATE CONSENT ORDER
IN SUBFILE CHCJ-003-0016 AND FOR LEAVE
TO FILE NEW CONSENT ORDER**

COMES NOW the Plaintiff, State of New Mexico, *ex rel.* State Engineer, and moves the Court to issue its order vacating the Consent Order filed October 16, 2001, (Docket No. 6370) between Plaintiff State of New Mexico and Defendants ISABEL and ROLAND CARTER in subfile CHCJ-003-0016, and granting leave for the State and Defendant MIKE SOBERANEZ to file a new Consent Order in subfile CHCJ-003-0016 concerning Defendant Soberanez' right to use the public waters of the Rio Chama Stream System. As grounds therefore the Plaintiff states:

1. The State and the Carters signed and approved a Consent Order concerning Defendants' water rights under Subfile CHCJ-003-0016 based upon a determination, made during preparation of the State's Hydrographic Survey for the Canjilon Creek subsection of the Rio Chama Stream System, that the Carters owned the land associated with that subfile. In fact, the Carters transferred that land to Defendant Soberanez on October 29, 1996. Defendant Soberanez recently provided documentation of his purchase to the hydrographic survey staff that was filed in the Rio Arriba county clerk's office. There is no dispute between Defendants Carter and Defendant Soberanez concerning Defendant Soberanez'

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ownership of the land. As a result of this current information, the State's files were corrected to show that Defendant Soberanez owns the land associated with subfile CHCJ-003-0016.

2. Counsel for the State has contacted Defendants Carter and Soberanez concerning the substance of this motion, and Defendants do not oppose vacating the Consent Order filed October 16, 2001, and the entry of a new Consent Order based upon the correct ownership of the land associated with subfile CHCJ-003-0016.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to enter its order vacating the Consent Order filed October 16, 2001, (Docket No. 6370), and granting leave for the State and Defendant Soberanez to file a new Consent Order concerning Defendant Soberanez' right to use the public waters of the Rio Chama Stream System.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion to Vacate Consent Order in Subfile CHCJ-003-0029 and for Leave to File New Consent Order was mailed to the following persons on June 6, 2002.



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